

The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, DECEMBER 08, 2015 @ 1:00 PM

Roll Call.

Members Present: Mayor H.C. Deutschlander, Council Member Jim Ortler, Council Member Clayton Calloway, Council Member Reece Wilson.

Members Absent: Council Member Larry Freeberg.

Staff Present: Bret Howser, Nancy Leigh, Tom Stratton, Chief Dan Benson, Wendy Dowland.

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 pm for December 8, 2015.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

- Council Member Calloway stated he may have a potential conflict of interest with Agenda Item G-4, Sign Code Discussion, in which he is a business owner in Brian Head.
- Mayor Deutschlander stated he may have a potential conflict of interest with Agenda Item G-4, Sign Code Discussion, in which he is a business owner in Brian Head.
- Council Member Wilson stated he may have a potential conflict of interest with Agenda Item G-4, Sign Code Discussion, in which he is a property manager for Giant Steps Condominiums.

There were no other conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Town Clerk's office and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

November 10, 2015 Town Council Meeting

Motion: Council Member Calloway moved to approve the November 10, 2015 Town Council minutes. Council Member Wilson seconded the motion.

Action: **Motion carried 3-0-1 (summary: Yes = 3, No = 0, Abstain = 1 Vote: Yes:** Council Member Calloway, Council Member Wilson, Mayor Deutschlander. **Abstain:** Council Member Ortler).

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Council Member Calloway reported Thunder Mountain Motorsports has expanded their business by purchasing the building they have been located in for the past several years. Council Member Calloway congratulated the owners of Thunder Mountain Motorsports on their purchase.

Bret Howser, Town Manager, reported he received a call from Peg Edwards who currently owns the property adjacent to Thunder Mountain's warehouse. Ms. Edwards explained the property was originally zoned as light industrial but when the general plan map was adopted the property was rezoned as single family residential. The current zoning of single family residential is affecting a potential sale transaction and Ms. Edwards has requested the town rezone it back to light industrial. Mayor Deutschlander directed staff to address this issue in January, 2016.

Mike Piscreta, Specialized Mountain Services, congratulated Thunder Mountain Motorsports on their recent expansion. Mr. Piscreta reported Thunder Mtn. Motorsports has been renting the building for a number of years but have now purchased the building.

F. PLAQUE PRESENTATION FOR JIM ORTER.

Mayor Deutschlander explained Council Member Orter has served Brian Head for the past eighteen years as a Council Member. Mayor Deutschlander presented a plaque of appreciation to Council Member Orter for his many years of dedicated service.

G. AGENDA ITEMS:

1. TOWN AUDIT PRESENTATION FOR FISCAL YEAR 2015. The annual audit for Brian Head Town for the fiscal year 2015.

Wayne Everett, Town Auditor, distributed the annual audit for the town for the fiscal year 2015 (see attached). Mr. Everett reported there were some changes in the reporting requirements for municipal audits.

Mr. Everett then reviewed the annual audit with the Council with the following findings:

1. The state requires the auditor to look at items that may not have to do anything with financial compliance issues and some items are required to be reviewed annually or every three years.
2. The Public Safety Department expenditures exceed their bottom line. Bret explained staff reviewed the budget and the public safety department was within their budgeted amounts. In September 2015 Pelorus changed an amount with a journal entry in which they took grant funds that were coded to an expenditure and moved it to a revenue line, bringing the department over budget of approximately \$20,000. The town is aware that grant funds will go towards the revenue lines and will need to budget for the expenditures of the grants.
3. Transparency: The state requires the minutes of the elected bodies be posted to the Public Meeting Website within three days of approval; there were minutes that were not posted within the required timeline.
4. These items had no effect on the financial statement and were not of consequence.

Mr. Everett reported the audit went well and there were no concerns or conflicts. Mr. Everett reported the town staff is good to work with along with Pelorus. Mr. Everett commented he appreciates serving the town and if the Council has any questions regarding the audit to please contact him.

2. NEW YEAR'S EVE FIREWORKS DISCUSSION. A discussion on the funding for the New Year's Eve Fireworks display.

Bret Howser, Town Manager, gave a brief history of the New Year's fireworks display. Bret explained the town started participating financially in the New Year's Eve fireworks, but the entire amount was unbudgeted for during

1 this budget year. There was some miscommunication between staff and the resort with the town under the
2 impression we would pay for one-half the cost of the fireworks and the resort would pay the remaining half. The
3 Resort was under the impression the town was paying for the entire fireworks display.

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5 Bret recommended the Council pay the entire amount of the New Year's Eve fireworks and the funds could be
6 identified from the contingency fund and address the issue during the strategic retreat process for next year's
7 fireworks display.

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9 The Council held discussion on the following:

- 10 1. The town budgeted \$2,700 for New Year's Eve fireworks and the total amount is \$5,300.
- 11 2. Council Member Wilson commented the public has come to expect the fireworks display and believes the
12 town should continue to assist in the funding of the event.
- 13 3. Council Member Calloway agreed with Council Member Wilson.
- 14 4. Council Member Ortler commented he does not see the economic benefit of the town purchasing the
15 fireworks. Council Member Ortler went on to comment the Council needs to keep in mind on the
16 promotional expenses and how much the town truly benefits in using public funds for these events.
- 17 5. Burke Wilkerson, Brian Head Resort, commented the town needs to weigh the cost of the benefit Mr.
18 Wilkerson went on to comment that the fireworks are all part of the guests experience and would like the
19 see the fireworks continue. Mr. Wilkerson commented that the resort feels everyone in town benefits from
20 the fireworks and would not be fair to have the resort pay for the fireworks and the resort will continue to
21 do the Touchlight Parade.
- 22 6. Bob Whitelaw, Alpine Lodging, commented he would like to see the fireworks display continue and his
23 guests come to expect the fireworks on New Year's Eve. He would like to see the town take the New
24 Year's Eve fireworks event over.

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26 **Consensus of the Council:** Staff will come back with a budget adjustment at a later date.

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29 **3. PLANNING COMMISSION APPOINTMENT.** The re-appointment of Mac Hatch as a Planning Commission
30 Member.

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32 Bret Howser, Town Manager, explained Mac Hatch's term on the Planning Commission expired as of December
33 31, 2015. Bret recommended the Council give their advice and consent to re-appoint Mac Hatch to the Planning
34 Commission for a term of five years.

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36 **Motion:** Council Member Calloway move to give the Council's advice and consent for the reappointment
37 of Mac Hatch to the Planning Commission for a term of five years. Council Member Wilson
38 seconded the motion.

39 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Calloway, Council**
40 **Member Ortler, Council Member Wilson, Mayor Deutschlander).**

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43 **4. SIGN CODE DISCUSSION.** A discussion on the revisions to the sign code.

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45 Bret Howser, Town Manager, explained he has attended some training on land use where there have been some
46 Supreme Court rulings on signage. Bret explained he has addressed some of the issues the businesses have
47 brought up regarding the sign code.

- 48 a. Temporary signage: Businesses would like more of an allowance for temporary signs other than
49 special events.
- 50 b. Off-premise signage: Businesses have indicated they are opposed to the billboard look but they
51 understand the need to find a way to advertise their business to the public.
- 52

- c. Wayfinding Signs: The town's wayfinding signage need to be more legible and visible to the public. The town is currently looking at a redesign of the town's wayfinding signs in an effort to stand out more.
- d. Street signs in general: The public struggles to find the street they are looking for and if the street signs are effective it could resolve some of the off-site premise signage issues.

Bret explained that according to the Supreme Court ruling if you have to read the sign to determine if it is legal, it is a violation of free speech. One example is the code allows for political signs, in which you have to read the sign in order to determine if it is a political sign. Some of the town's current sign examples are:

- Obsolete signs
- Real Estate signs
- Construction signs
- Political signs
- Directional signs

Bret explained some options for the Council to consider are:

- a. Make the temporary sign code uniform; regulate the size and number of the signs.
- b) Keep the deletion between commercial and non-commercial and regulate on content base, but somehow not regulate temporary, political which may be difficult to do.
- c) Leave the sign code as is and if there is a possibility the town could be sued, then the town doesn't enforce it. Bret reported he would not recommend this option.

Bret recommended option #1 which would regulate the temporary sign based on size and number of signs and the Council could make the distinction on zone rather than content. In residential zones, the Council could allow smaller and fewer signs than commercial zones. This recommendation would be consistent with the input from the businesses and safer for the town constitutionally.

The Council reviewed Chapter 14, Sign Code, with the following comments/changes and/or recommendations:

1. Temporary signs in commercial zones: **Consensus of the Council:** Six feet (6') or up to a maximum of ten feet (10') in height.
2. Discussion was held regarding the time duration in which a temporary sign can remain on a site and whether the importance of aesthetics is the primary reason for the time limitation. Several examples were made such as real estate signs in which the property may not have sold within the 120 day period. **Consensus of the Council:** The time duration will be eliminated from the sign code and replaced with a requirement the sign must be in good repair.
3. Staff will review the sign code as it relates to aesthetics and will present to Council at a later date.
4. 9.14.4.A thru H: **Consensus of the Council:** staff will eliminate the notice to Town Council where indicated.
5. 9.14.5.K: **Consensus of the Council:** Signs with business hours shows as one square foot. Change to two (2) square feet. Staff will make the change.

Staff will present a redraft of the Sign Code at a later date for Council's consideration.

5. PUBLIC HEARING FOR THE LAND MANAGEMENT CODE, Chapters 10 thru 15. .

Motion: Council Member Calloway moved to recess the regular meeting of the Town Council and open a public hearing to hear comments on the Land Management Code, Chapters 10 through 15. Council Member Wilson seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Calloway, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).**

The public hearing was opened at 2:25 pm.
There were no comments received.

Motion: Council Member Calloway moved to close the public hearing and reconvene the regular meeting of the Town Council. Council Member Wilson seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Calloway, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

The public hearing was closed at 2:26 pm and the regular meeting of the Town Council reconvened.

6. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTERS 10, 11, 12 13 AND 15.

An ordinance amending the Land Management Code, Chapters 10, 11, 12 13 and 15, regulating land use.

Bret Howser, Town Manager, explained the Council has been reviewing the Land Management Code over the past year and recently adopted Chapters 1 through 10 (see attached). Bret explained one change to Chapter 10, Other Permits, in addressing conditional use permits has been made. The Planning Commission proposed to expand the home occupation conditional uses to allow for light, light industrial uses such as water transport and snow removal equipment. Bret explained the Planning Commission was looking at the list of conditional use permits for home occupations that would allow light, light industrial needs to have an operation in a residential zone. There could be conditions the Planning Commission can require to ensure the conditional use is mitigated with the neighbors.

9.10.7.A.1.g: Council Member Ortler recommended the staff refer to the Business License Code 3.3.3, Special Event in this section.

Motion: Council Member Ortler moved to adopt Ordinance No. 15-018, an ordinance amending the Brian Head Land Management Code, Chapters 10, 11, 12, 13 and 15. Council Member Wilson seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Calloway, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

7. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 14, SIGN CODE. An ordinance amending the Land Management Code, Chapter 14, Sign Code.

Motion: Council Member Ortler moved to table Chapter 14 of the Land Management Code for additional information. Council Member Calloway seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Council Member Calloway, Council Member Ortler, Council Member Wilson, Mayor Deutschlander).

8. 2016 MEETING SCHEDULE. Approval of the 2016 Town Council meeting schedule.

Nancy Leigh, Town Clerk, presented a draft 2016 Council meeting schedule (see attached). Nancy explained the schedule is based on the 2nd and 4th Tuesday of each month with the exception of December in which one meeting will be held on the 2nd Tuesday and all meetings to begin at 1:00 pm unless otherwise notified.

Motion: Council Member Calloway moved to approve the 2016 Town Council meeting schedule. Council Member Wilson seconded the motion.

Action: **Motion carried 3-0-1 (summary: Yes = 3, No = 0, Abstain = 1 Vote: Yes:** Council Member Calloway, Council Member Wilson, Mayor Deutschlander. Abstain: Council Member Ortler).

1 **H. ADJOURNMENT**

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3 **Motion:** Council Member Orlter moved to adjourn the regular meeting of the Brian Head Town Council for
4 December 8, 2015. Council Member Calloway seconded the motion.

5 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Council Member Calloway, Council**
6 **Member Ortlter, Council Member Wilson, Mayor Deutschlander).**

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8 The regular meeting of the Brian Head Town Council was adjourned at 3:40 pm for December 8, 2015.
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11 January 12, 2016

12 Date Approved
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16 Nancy Leigh, Town Clerk